

#### **d.) Remarks**

In the current rejection over the prior art, the primary reference is once again the Lee patent, which describes a wireless device for capturing coordinate shift information. It's relevant teaching is the use of multiple coils 20 to surround a working surface 10 and generate a magnetic field that may power a device such as a wireless mouse 100. To repeat the previous analysis, Lee provides a matrix of conductors in Cartesian layout to receive pulses from the mouse and calculate its position by "determining the coordinate shift information based on the difference between the arrival times of the signals from the first and second paths." (col. 1, lines 64-66) This latter technique is quite distinct from the position sensing methods of the present invention, and clearly does not make use nor permit the use of spread spectrum signals for communications from the device to the system.

The Nakashima patent is cited for a showing of the use of spread spectrum signaling in a touch position detecting system. In particular, col. 11, lines 3-55 are cited to show the spread spectrum signal feature. There is no such showing. The quoted section deals with the captured device information being coded, stored, combined with the position information, and transmitted to the data processing device. The term "spread spectrum" is never used, nor is it implied. The fact that the data is encoded in a signal does not imply nor require the use of spread spectrum signal techniques. Indeed, there are many techniques for encoding data in a signal, such as frequency modulation, frequency shift keying, pulse code modulation, phase shift modulation, and the like, and none of them qualify as spread spectrum.

The Nakashima reference is voluminous, and its 92 pages provides ample opportunity for that inventor to specify the use of spread spectrum signals.

However, applicant has conducted a word search through the entire text and found that Nakashima NEVER uses the words “spread spectrum.” The term “spread” is used only with reference to Fig. 46 in describing the depth of focus of a device, not referring to any signaling technique. However, Nakashima does refer to the use of base band signaling (see claims 6, 16, and 27) to refer to the form of the signal that carries the positional information and the coded information. A base band signal is clearly NOT a spread spectrum signal; indeed, it is the opposite – a narrow band signal.

Applicant notes that the all claims that stand rejected in the current action recite the use of touch signaling means that incorporate spread spectrum signals, and stand rejected over a combination that includes Nakashima. Due to the undeniable fact that Nakashima fails to disclose or suggest the use of spread spectrum signaling, applicant respectfully traverses the rejections of the claims, and requests that these rejections be withdrawn and the claims allowed.

Furthermore, it is noted that the Nakashima reference is no more suitable for supporting a rejection of the claimed use of spread spectrum signals that the previously cited Ronkka patent. This fact bolsters applicant’s belief that the use of spread spectrum signaling in a touch input system is unique and unforeseen in the prior art, and deserving of patent protection in this application.



All claims now presented are submitted in the belief that they are allowable over the art, and that this application in condition for issuance. Action toward that end is earnestly solicited.

No new fee is required by this amendment.

Respectfully Submitted,

Harris Zimmerman, Esq.  
Registration No. 16, 437  
Attorney for Applicant  
Law Offices of Harris Zimmerman  
1330 Broadway, Suite 710  
Oakland, California 94612  
(510) 465-0828

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as properly posted first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450  
Alexandria, VA 22313-1450, on

10/13/05

10/13/05  
date